

**CHAPTER 44. CONSERVATION AREAS**

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**Source**

The provisions of this Chapter 44 adopted February 2, 2001, effective February 3, 2001, 31 Pa.B. 650, unless otherwise noted.

**Cross References**

This Chapter cited in 7 Pa. Code § 128.102 (relating to protected designated areas).

**§ 44.1. Defined.**

A conservation area is a designation for land that has been donated to the Department and managed by the Department for the purposes of:

- (1) Preserving open space.
- (2) Conserving natural resources.
- (3) Providing an opportunity for passive, nonmotorized, low-density outdoor recreation and environmental education activities.

**Cross References**

This section cited in 17 Pa. Code § 11.201 (relating to definitions).

**§ 44.2. Designation.**

(a) Offers of land donations to the Department will be reviewed by a Department team to determine acceptance and assignment to either the Bureau of State Parks or the Bureau of Forestry. The team will consider characteristics of the land under § 44.3 (relating to consideration of land for designation), costs of management of the land, benefits to the Department and benefits to the public.

(b) Depending on the designation at the time of acquisition, a conservation area will be considered as either a State park or a State forest for the purpose of applicability of statutes and regulations.

(c) To provide the donor with an opportunity to participate in conservation efforts, the Department may accept restrictive covenants in the deed of conveyance.

(d) Designation as a conservation area will be made by letter to the donor accepting the gift. The letter will be signed by the Secretary. It will describe a purpose, characteristic or feature of the land upon which the designation of conservation area is based.

**§ 44.3. Consideration of land for designation.**

The Department will conduct a judicious review of a potential donation of land for possible designation as a conservation area. The review will include, but not be limited to, the following considerations:

- (1) Large, significant, contiguous acreage is generally a desirable characteristic. Small areas of land with special or unique features may also be desirable.
- (2) Land that is close to urban areas will be actively considered.
- (3) The following factors will be evaluated:
  - (i) The accessibility of the land to the public.
  - (ii) The suitability of the land for passive low-density recreation.
  - (iii) The existence or potential for development of unusual or significant natural features.
  - (iv) The extent to which the land has been developed.
  - (v) The appropriateness of assimilating the land into an existing State park or State forest classification.
  - (vi) The existence of an unfulfilled public recreational need in the area.
  - (vii) The need for outdoor classrooms in the area.
  - (viii) The appropriateness of receipt of the property by a local community or conservation organization.
- (4) Lands with significant environmental liability will not be accepted for designation as conservation areas.

**Cross References**

This section cited in 17 Pa. Code § 44.2 (relating to designation).

**§ 44.4. Management.**

- (a) Conservation areas will be actively managed to protect natural resources.
- (b) The following are examples of possible uses of conservation areas:
  - (1) Protection of habitats of species of special concern.
  - (2) Protection of types of resources and land forms that have been diminished by developmental sprawl, such as large tracts of wetlands, vernal ponds and unfragmented forests.
  - (3) Protection of flora and fauna on large tracts of open space near urban areas.
  - (4) Protection of viable ecosystems.
  - (5) Outdoor classrooms for schools and environmental education and interpretation programs.
  - (6) Research areas for scientists.
  - (7) Experimental resource management laboratories for demonstrating techniques to enhance natural diversity, maintain early successional seres or control invasive species.
  - (8) Demonstration areas for forest management practices.
  - (9) Management of old growth forests.
- (c) Conservation areas will be open to the public. Recreational facilities and activities will be limited to passive, nonmotorized, low-density uses such as hiking, bird watching, fishing and hunting.

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